

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on August 24, 2010, which has been reviewed and carefully considered. By means of the present amendment, independent claims 1, 6, 21, 22, 28 and 29 have been amended to include certain features of claims 3 and 26-27. Accordingly, no new issues requiring a new search have been introduced and entry of the present amendment is respectfully requested.

Claims 1-2, 4-6, 21-25 and 27-29 are pending in the Application, where claims 3 and 26 have been currently canceled without prejudice and claims 7-20 had been previously canceled without prejudice. Applicant reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications. Claims 1, 6, 21, 22, 28 and 29 are independent.

By means of the present amendment, the claims have been amended for better clarity and to correct minor informalities.

In the Final Office Action, claims 26 and 28 are objected to for certain informalities. In response, claim 28 has been amended in accordance with the Examiner's suggestions. Further, claim 26 has been currently canceled without prejudice. Accordingly, it is respectfully requested that this objection to claims 26 and 28 be withdrawn.

In the Final Office Action, claims 1-6, 21-24 and 26-29 are rejected under 35 U.S.C.

§103(a) over U.S. Patent Application Publication No. 2003/0227846 (Lee) in view of U.S. Patent No. 6,738,329 (Hsiao). Further, claim 25 is rejected under 35 U.S.C. §103(a) over Lee in view of Hsiao and WO 02/086873 having an English equivalent as U.S. Patent Application Publication No. 2004/0156294 (Fujiune). These rejections are respectfully traversed. It is respectfully submitted that claims 1-2, 4-6, 21-25 and 27-29 are allowable over Lee, Hsiao and Fujiune for at least the following reasons.

On page 8 of the Final Office Action, in rejecting claim 26, it is alleged that FIG 1 of Lee which shows area LO of layer 0 is analogous to "a second data area extends beyond radius R1 of the first layer ," and that the area L1 of layer 1 is analogous to "a fourth data area extends beyond radius R2 ," as currently recited in amended independent claims 1, 6, 21, 22, 28 and 29. These allegations are respectfully traversed.

In particular, the noted areas in FIG 1 of Lee, namely, the lead out area LO of layer 0 and the lead in area LI of layer 1, are not user data areas. Further, Lee does not disclose or suggest having both a middle zone and a further user data area that extends beyond a first user data area. That is, a middle zone between two user data areas are nowhere disclosed or suggested in Lee, where no user data is written in the further user data area.

In particular, it is respectfully submitted that Lee does not disclose or suggest the present invention as recited in independent claim 1 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein a first user data area extends from a lead-in zone of the first layer to a radius R1 of the of the first layer, and a first middle zone

and a second user data area extends beyond radius R1 of the first layer, and a third user data area extends from a lead out zone to a second radius R2 in the second layer, and a second middle zone and a fourth user data area extends beyond radius R2, wherein approximately half of the user data stream is written to each of the first and third user data areas, and substantially none of the user data stream is written to the second and fourth user data areas, and at least one OPC-area is written in at least one of the first middle zone and the second middle zone.


Hsiao and Fujiune are cited to allegedly show other features and do not remedy the deficiencies in Lee.

Based on the foregoing, it is respectfully submitted that independent claims 1, 6, 21, 22, 28 and 29 are patentable and notice to this effect is earnestly solicited. In addition, it is respectfully submitted that claims 2, 4-5, 21 and 23-27 are also patentable at least based on their dependence from independent claim 1, as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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